THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.20239 OF 2005

DATED:14.9.2005

Between:

Sri Rajkishore Yadav

…Petitioner

And

Secretary to Government

Revenue Department, Govt. of A.P.,

Secretariat, Hyderabad and others

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.20239 OF 2005

ORDER:

The petitioners claim to be in possession of property admeasuring 942 Sq.mts situated at Rezimental bazaar, Secunderabad. There are houses in the property which are duly assessed to property tax by Municipal Corporation of Hyderabad (MCH). The Government of Andhra Pradesh came forward with a scheme for regularization of encroachments for dwelling houses in the Government lands and accordingly issued a number of orders. One such order being G.O.Ms.No.508, dt.20.10.1995 was issued which provides for a District Level Committee to consider the applications made by the persons/encroachers for regularization of the

encroachments. The petitioners made an application on 20.9.2003. The same was placed before the District Level Committee constituted under G.O.Ms.No.508. The said committee held meeting on 23.9.2004 and decided to reject the application of the petitioner for regularization on the ground that petitioners did not fulfil the conditions laid down in the Government Order referred to hereinabove. The same was communicated by the District Collector, third respondent herein, by impugned proceedings dt.20.1.2005. After lapse of about nine months, present Writ Petition is filed.

Learned counsel for the petitioners, Sri G.S.Prakash Rao, submits that the impugned order is bad for non-disclosure of reasons and for violation of principles of natural justice. According to the learned counsel before rejecting any application for regularization third respondent ought to have given a notice affording an opportunity to make a case for regularization.

The impugned G.O. does not provide for giving any opportunity to the persons seeking regularization before rejecting application. Indeed, in the scheme of things, such opportunity being given to the encroacher does not arise. The Government came forward to regularize encroachments for dwelling houses if the applicant fulfils certain conditions laid down in paragraph 3 of the G.O. A duty is enjoined on the District Level Committee to examine the application for regularization in the light of those conditions and if any of the conditions are not fulfilled application is liable to be rejected. Every rejection should therefore be read along with the conditions in the G.O. and there is no necessity to communicate reasons elaborately to the applicant. In this case, the District Level Committee rejected the application of the petitioner on the ground that applicant does not fulfil the conditions laid down in the G.O. It was further informed that the land in question is not being used for residential structure and there are no residential structures in the land. Though an effort is made by the petitioner to show that there are structures on the land, this Court is not inclined to go into the questions of fact as it is not warranted.

The Writ Petition is devoid of merits and is accordingly dismissed. No costs.

(V.V.S.RAO, J)

14.9.2005

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